

In re Patent Application of:

**DUELLI ET AL**

Serial No. 10/098,585

Filed: 03/15/2002

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Remarks

The applicant would like to thank the examiner for pointing out that certain references within the specification were not considered. The applicant has included an information disclosure statement with accompanying fee, so that the references be considered by the Office.

The drawings have been objected to as containing reference numerals not mentioned in the description: 22b, 24, 40, 41, 41a, 42.

The figures have been amended and reference numerals 22b, 24, 40, 41, and 41a have been removed. Numeral 42 relating to a fiber is described on the last line of paragraph [33] in the published application.

Claims 1-19 are currently pending in this application. Claims 1 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,542,665 to Reed et al., while claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,542,665 to Reed et al. in view of U.S. Patent No. 6,594,419 to Ukrainczyk et al.

Claims 7-19 are subject to restriction and or election requirement.

The applicant hereby affirms the election made on August 28, 2003 with traverse to prosecute claims 1-6. Claims 7-19 are withdrawn from further consideration in this application.

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Claim 2 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. There is insufficient antecedent basis for "the single mode optical fiber in the claim".

Claim 2 has been amended to read:

2. A fiber-optic coupling assembly according to claim 1 further comprising an optical spacer selected from the group consisting of;

a. an air gap, an oxide of silicon, index matching fluid and an index matching gel ,

wherein the optical spacer is between the first terminal end of said optical waveguide and the first terminal end of said graded index fiber,

wherein the first optical waveguide is a single mode optical fiber and whereby the optical beam is expanding from the core section of the single mode optical fiber prior to entering said gradient index fiber section.

Claims 1 and 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,542,665 to Reed et al.

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent 6,542,665 to Reed et al. in view of U.S. Patent No. 6,594,419 to Ukrainczyk et al. It is said that Reed discloses that a thin glue layer may be used between the waveguide and the graded index fiber. However

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Reed et al. does not disclose that the glue is index matching. Ukrainczyk et al. discloses using index matching epoxy in a different assembly. Since Reed and Ukrainczyk are from the same field of endeavour, the examiner states that it would be obvious to combine them.

Although Reed's invention is in a similar field of endeavour as the applicant's claimed invention, the earliest recorded filing date of Reed is February 17, 2001, the date of filing of provisional application 60/269,586. The applicant's filing date is March 15, 2002. However, the applicant's invention date precedes that of Reed's provisional filing date of February 17, 2001.

Attached is a declaration under 37 CFR 1.131 stating that prior to February 17, 2001 the claimed invention was conceived by the inventors of this application. Attached to the declaration under 37 CFR 1.131 are exhibits A and B which corroborate an invention date before February 17, 2001.

In view of this, it is respectfully submitted that Reed is not a citable reference and all of the claims remaining in the application are in condition for allowance. The cited Ukrainczyk reference alone is not relevant to the patentability of the claims.

Claims 3 and 4 have been amended to correct minor grammatical errors.

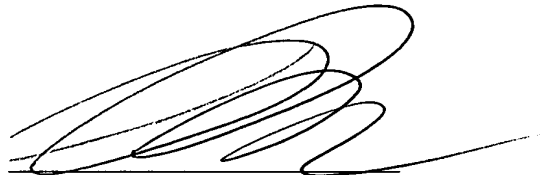
Early and favorable consideration would be appreciated.

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Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees, to Deposit Account No. 50-1465 and please credit any excess fees to such deposit account.



Mr. Charles Wands  
No: 25,649

12.3.2003

Date:

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of December, 2003.

Done